

**In the United States District Court
For the Northern District of Illinois
Eastern Division**

JEREMY FRYDMAN and SAM MARIN,
on behalf of plaintiff and a class of United States
citizens

Plaintiff,

v.

PORTFOLIO RECOVERY ASSOCIATES, LLC,

Defendant.

CIVIL ACTION FILE NO.
11 CV 524

Judge Blanche M. Manning

Magistrate Judge Jeffrey T. Gilbert

**Defendant's Motion to Dismiss or Stay on Primary Jurisdiction Grounds
and to Strike Allegations in the Complaint**

Defendant Portfolio Recovery Associates, LLC ("PRA"), by and through its attorneys, Robins, Kaplan, Miller & Ciresi LLP, moves the Court for an order dismissing without prejudice or, in the alternative, staying the above-captioned action, pursuant to the doctrine of primary jurisdiction. PRA brings this motion on the grounds that this action raises issues that are the subject of a currently-pending rulemaking proceeding before the Federal Communications Commission ("FCC").

PRA further moves this Court, pursuant to Fed. R. Civ. P. 12(f) to strike the allegations in Plaintiffs' Consolidated Complaint that relate to the Fair Debt Collection Practices Act ("FDCPA") because Plaintiffs fail to assert any such cause of action.

WHEREFORE, based on this Motion and the corresponding Memorandum of Law and Request for Judicial Notice, PRA respectfully moves for dismissal without prejudice, or in the

alternative a stay of the action, and for certain allegations in the Consolidated Complaint to be struck.

Dated: March 18, 2011

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

By: /s/ Jennifer M. Robbins

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